IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WA.No. 1793 of 2007(E)

AGAINST THE JUDGEMENT/ORDER IN WPC.23799/2006 Dated 12/12/2006
.....

APPELLANT: 1ST RESPONDENT:

THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC

RESPONDENTS: PETITIONER & 2ND RESPONDENT:

1. M.B. PREETHA, AGED 37 YEARS,
W/O. M.V. RAJESH, RESIDING AT MANGHAT HOUSE,
VADAKKANEDATH ROAD, VENNALA P.O.,KOCHI-682 028.

2. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

BY ADV. SMT.REKHA VASUDEVAN
ADV. SRI.ALEXANDER THOMAS, SC, PSC
GOVERNMENT PLEADER SRI.BENNY GERVACIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08/10/2007, ALONG WITH WA NO. 1549 OF 2007 & WA NO. 1394 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

- -

W.A.No.1793, 1549 & 1394 OF 2007

- -

Dated this the 8th day of October, 2007

JUDGMENT

Radhakrishnan, J

These appeals are preferred by the Kerala Public Service Commission against the interim order passed by Learned Single Judge on 13th December, 2006. Learned Single Judge granted a stay of operation of the rank list published by the Kerala Public Service Commission for appointment to the post of lecturer in Law. Counsel appearing for the petitioner vehemently placed reliance on a Division Bench decision, **S.Ajayan v. State of Kerala and others (2006 (3) ILR 641)** and also the judgment of the Supreme Court in Manjit Singh's case. However, doubting the correctness of **Ajayan's case**, similar matters have already been referred to a larger bench by Division Bench of this court vide its order dated 13th September, 2007. Counsel appearing for the contesting respondents submitted that there is a conflict between Ajayan's case and Manjit Singh's case warranting reference to a larger

Bench. It is pointed out that Manjit Singh's case was decided not on the basis of the similar rules of procedure as we get in these cases. Since another Division Bench has already referred similar cases to larger bench, we have also decided to refer these writ petitions to larger bench. However, we feel there is no necessity of continuing the interim order granted by the learned Single Judge. We therefore vacate the interim order granted by the Learned Single Judge. It is open to the PSC to advice and the appointment can be effected provisionally and subject to the result of the writ petition. Writ appeals are allowed as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

jes